United Nations S/RES/1430 (2002)

Security Council

Distr.: General

14 August 2002

Resolution 1430 (2002)

Adopted by the Security Council at its 4600th meeting, on 14 August 2002

The Security Council,

Recalling its relevant resolutions concerning the situation between Eritrea and Ethiopia, in particular resolution 1398 (2002) of 15 March 2002,

Further recalling the report of 27 February 2002 of the Security Council Mission to Ethiopia and Eritrea undertaken in the period 21-25 February 2002 (S/2002/205),

Recalling the Delimitation Decision by the Boundary Commission of 13 April 2002 (S/2002/423), subsequently embraced by the parties as final and binding in accordance with the Comprehensive Peace Agreement signed in Algiers on 12 December 2000 (S/2000/1183),

Reaffirming its strong support for the Comprehensive Peace Agreement and the preceding Agreement on Cessation of Hostilities (S/2000/601), signed in Algiers on 18 June 2000 (hereafter referred to collectively as the "Algiers Agreements"),

Further reaffirming its strong support for the help in implementing the Algiers Agreements continuously provided by the Secretary-General and his Special Representative, including through their good offices, and for the role played by the United Nations Mission in Ethiopia and Eritrea (UNMEE) in the implementation of its mandate thereby contributing towards the completion of the peace process,

Reaffirming the need for both parties to fulfil their obligations under international law, including international humanitarian law, human rights law and refugee law, and to ensure the safety of all personnel of the United Nations, the International Committee of the Red Cross (ICRC) and other humanitarian organizations,

Further reaffirming its strong support for the African Union Liaison Mission in Ethiopia-Eritrea, and inviting the President ad interim of the Commission of the African Union to continue actively the role of the former Organization of African Unity in support of the peace process,

Having considered the report of the Secretary-General of 10 July 2002 (S/2002/744),

02-52257 (E)

1. *Decides* to adjust the mandate of UNMEE, in order to assist the Boundary Commission in the expeditious and orderly implementation of its Delimitation Decision, to include with immediate effect:

(a) demining in key areas to support demarcation, and

(b) administrative and logistical support for the Field Offices of the Boundary Commission,

in accordance with the recommendations provided by the Secretary-General in paragraphs 13, 14 and 17 of the above report, and resolution 1398 (2002), with the costs of civilian demining contractors and Field Office support to be funded as outlined in paragraphs 14 and 17 of the report;

2. *Endorses* the technical steps for territorial transfers as a broad framework for the process as recommended by the Secretary-General in his report, and decides to review, as necessary, the implications for UNMEE in this regard, while strongly urging the parties to provide their full and prompt cooperation in the process with a view to ensuring an expeditious transition for the benefit of the affected populations;

3. *Calls on* the parties to cooperate fully and expeditiously with UNMEE in the implementation of its mandate, as adjusted through this resolution, by abiding scrupulously by the letter and spirit of their agreements, and by resolving all outstanding issues in accordance with the Algiers Agreements;

4. *Encourages* the parties to continue cooperating, fully and expeditiously, with UNMEE on providing the information and maps required by the Mission for the demining process;

5. *Calls on* the parties to cooperate fully and promptly with the Boundary Commission, including by implementing without conditions its binding Demarcation Directions, by abiding promptly by all its Orders, including the two issued on 17 July 2002 (S/2002/853), and by taking all steps necessary to ensure the personal security of the staff of the Commission when operating in territories under their control;

6. *Appeals* to the parties to exercise restraint, and emphasizes that in accordance with article 14 of the Agreement on Cessation of Hostilities, the security arrangements are to remain in effect, and that, accordingly, arrangements for the separation of forces, as achieved by the Temporary Security Zone and through the contributions of UNMEE, will continue to be of key importance;

7. *Calls on* the parties to refrain from unilateral troop or population movements, including establishment of any new settlements in areas near the border, until demarcation and orderly transfer of territorial control has been accomplished, in accordance with article 4.16 of the Comprehensive Peace Agreement;

8. *Demands* that the parties allow UNMEE full freedom of movement and remove with immediate effect any and all restrictions on, and impediments to the work of, UNMEE and its staff in the discharge of its mandate;

9. *Expresses* its disappointment that there has been no progress regarding the establishment of a direct high-altitude flight route for UNMEE between Asmara and Addis Ababa, given the importance to the demarcation process of a direct flight route, and renews its appeal to the parties to work with the Special Representative of

the Secretary-General in a spirit of compromise to settle the issue for the mutual benefit of all;

10. *Calls again on* the parties to release and return without further delay all remaining prisoners of war and civilian internees under the auspices of the International Committee of the Red Cross in accordance with the Geneva Conventions and the Algiers Agreements;

11. *Further calls on* the parties to increase their efforts to take other measures that will build confidence and promote reconciliation between the two peoples for their mutual benefit, including in particular the areas listed in paragraph 14 of resolution 1398 (2002);

12. *Encourages* the guarantors, facilitators and witnesses of the Algiers Agreements and the Friends of UNMEE to intensify their contacts with the authorities of both countries with the view to contribute to an expeditious demarcation process;

13. *Strongly emphasizes* the importance of an expeditious and orderly demarcation process in order to further peace and normalize the relations between the parties, to enable displaced persons to return home and in order for the parties to move completely beyond the border issue and pave the way for reconstruction and development as well as political and economic cooperation;

14. *Decides* to remain actively seized of the matter.

United Nations S/RES/1431 (2002)

Security Council

Distr.: General

14 August 2002

Resolution 1431 (2002)

Adopted by the Security Council at its 4601st meeting, on 14 August 2002

The Security Council,

Reaffirming its resolutions 827 (1993) of 25 May 1993, 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000 and 1411 (2002) of 17 May 2002,

Having considered the letter from the Secretary-General to the President of the Security Council dated 14 September 2001 (S/2001/764) and the annexed letter from the President of the International Tribunal for Rwanda addressed to the Secretary-General dated 9 July 2001,

Having considered also the letter from the Secretary-General to the President of the Security Council dated 4 March 2002 (S/2002/241) and the annexed letter from the President of the International Tribunal for Rwanda addressed to the Secretary-General dated 6 February 2002,

Convinced of the need to establish a pool of ad litem judges in the International Tribunal for Rwanda in order to enable the International Tribunal for Rwanda to expedite the conclusion of its work at the earliest possible date and determined to follow closely the progress of the operation of the International Tribunal for Rwanda,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to establish a pool of ad litem judges in the International Tribunal for Rwanda, and to this end *decides* to amend articles 11, 12 and 13 of the Statute of the International Tribunal for Rwanda and to replace those articles with the provisions set out in annex I to this resolution and *decides also* to amend articles 13 bis and 14 of the Statute of the International Tribunal for the Former Yugoslavia and to replace those articles with the provisions set out in annex II to this resolution;

2. *Requests* the Secretary-General to make practical arrangements for the election as soon as possible of eighteen ad litem judges in accordance with Article 12 ter of the Statute of the International Tribunal for Rwanda and for the timely provision to the International Tribunal for Rwanda of personnel and facilities, in particular, for the ad litem judges and related offices of the Prosecutor, and *further requests* him to keep the Security Council closely informed of progress in this regard;

3. *Urges* all States to cooperate fully with the International Tribunal for Rwanda and its organs in accordance with their obligations under resolution 955 (1994) and the Statute of the International Tribunal for Rwanda;

4. *Decides* to remain actively seized of the matter.

02-52281 (E)

International Tribunal for Rwanda

Annex I

Article 11
Composition of the Chambers

1. The Chambers shall be composed of sixteen permanent independent judges, no two of whom may be nationals of the same State, and a maximum at any one time of four ad litem independent judges appointed in accordance with article 12 ter, paragraph 2, of the present Statute, no two of whom may be nationals of the same State.

2. Three permanent judges and a maximum at any one time of four ad litem judges shall be members of each Trial Chamber. Each Trial Chamber to which ad litem judges are assigned may be divided into sections of three judges each, composed of both permanent and ad litem judges. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the present Statute and shall render judgement in accordance with the same rules.

3. Seven of the permanent judges shall be members of the Appeals Chamber. The Appeals Chamber shall, for each appeal, be composed of five of its members.

4. A person who for the purposes of membership of the Chambers of the International Tribunal for Rwanda could be regarded as a national of more than one State shall be deemed to be a national of the State in which that person ordinarily exercises civil and political rights.

Article 12
Qualifications of judges

The permanent and ad litem judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers and sections of the Trial Chambers, due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

Article 12 bis
Election of permanent judges

1. Eleven of the permanent judges of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for permanent judges of the International Tribunal for Rwanda from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in article 12 of the present Statute, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge who is a member of the Appeals Chamber and who was elected or appointed a permanent judge of the

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal for the Former Yugoslavia") in accordance with article 13 bis of the Statute of that Tribunal;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twenty-two and not more than thirty-three candidates, taking due account of the adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect eleven permanent judges of the International Tribunal for Rwanda. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

2. In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 12 of the present Statute, for the remainder of the term of office concerned.

3. The permanent judges elected in accordance with this article shall be elected for a term of four years. The terms and conditions of service shall be those of the permanent judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

Article 12 ter
Election and appointment of ad litem judges

1. The ad litem judges of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for ad litem judges of the International Tribunal for Rwanda from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to four candidates meeting the qualifications set out in article 12 of the present Statute, taking into account the importance of a fair representation of female and male candidates;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than thirty-six candidates, taking due account of the adequate representation of the principal legal systems of the world and bearing in mind the importance of equitable geographical distribution;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the eighteen ad litem judges of the International Tribunal for Rwanda. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected;

(e) The ad litem judges shall be elected for a term of four years. They shall not be eligible for re-election.

2. During their term, ad litem judges will be appointed by the Secretary-General, upon request of the President of the International Tribunal for Rwanda, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years. When requesting the appointment of any particular ad litem judge, the President of the International Tribunal for Rwanda shall bear in mind the criteria set out in article 12 of the present Statute regarding the composition of the Chambers and sections of the Trial Chambers, the considerations set out in paragraphs 1 (b) and (c) above and the number of votes the ad litem judge received in the General Assembly.

Article 12 quater
Status of ad litem judges

1. During the period in which they are appointed to serve in the International Tribunal for Rwanda, ad litem judges shall:

(a) Benefit from the same terms and conditions of service mutatis mutandis as the permanent judges of the International Tribunal for Rwanda;

(b) Enjoy, subject to paragraph 2 below, the same powers as the permanent judges of the International Tribunal for Rwanda;

(c) Enjoy the privileges and immunities, exemptions and facilities of a judge of the International Tribunal for Rwanda.

2. During the period in which they are appointed to serve in the International Tribunal for Rwanda, ad litem judges shall not:

(a) Be eligible for election as, or to vote in the election of, the President of the International Tribunal for Rwanda or the Presiding Judge of a Trial Chamber pursuant to article 13 of the present Statute;

(b) Have power:

(i) To adopt rules of procedure and evidence pursuant to article 14 of the present Statute. They shall, however, be consulted before the adoption of those rules;

(ii) To review an indictment pursuant to Article 18 of the present Statute;

(iii) To consult with the President of the International Tribunal for Rwanda in relation to the assignment of judges pursuant to article 13 of the present Statute or in relation to a pardon or commutation of sentence pursuant to article 27 of the present Statute;

(iv) To adjudicate in pre-trial proceedings.

Article 13
Officers and members of the Chambers

1. The permanent judges of the International Tribunal for Rwanda shall elect a President from amongst their number.

2. The President of the International Tribunal for Rwanda shall be a member of one of its Trial Chambers.

3. After consultation with the permanent judges of the International Tribunal for Rwanda, the President shall assign two of the permanent judges elected or appointed in accordance with Article 12 bis of the present Statute to be members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia and eight to the Trial Chambers of the International Tribunal for Rwanda.

4. The members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

5. After consultation with the permanent judges of the International Tribunal for Rwanda, the President shall assign such ad litem judges as may from time to time be appointed to serve in the International Tribunal for Rwanda to the Trial Chambers.

6. A judge shall serve only in the Chamber to which he or she was assigned.

7. The permanent judges of each Trial Chamber shall elect a Presiding Judge from amongst their number, who shall oversee the work of that Trial Chamber as a whole.

International Tribunal for the Former Yugoslavia

Annex II

Article 13 bis
Election of permanent judges

1. Fourteen of the permanent judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in article 13 of the Statute, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge who is a member of the Appeals Chamber and who was elected or appointed a permanent judge of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994 (hereinafter referred to as "The International Tribunal for Rwanda") in accordance with article 12 bis of the Statute of that Tribunal;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twenty-eight and not more than forty-two candidates, taking due account of the adequate representation of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect fourteen permanent judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

2. In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 13 of the Statute, for the remainder of the term of office concerned.

3. The permanent judges elected in accordance with this article shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Court of Justice. They shall be eligible for re-election.

Article 14
Officers and members of the Chambers

1. The permanent judges of the International Tribunal shall elect a President from amongst their number.

2. The President of the International Tribunal shall be a member of the Appeals Chamber and shall preside over its proceedings.

3. After consultation with the permanent judges of the International Tribunal, the President shall assign four of the permanent judges elected or appointed in accordance with Article 13 bis of the Statute to the Appeals Chamber and nine to the Trial Chambers.

4. Two of the permanent judges of the International Tribunal for Rwanda elected or appointed in accordance with article 12 bis of the Statute of that Tribunal shall be assigned by the President of that Tribunal, in consultation with the President of the International Tribunal, to be members of the Appeals Chamber and permanent judges of the International Tribunal.

5. After consultation with the permanent judges of the International Tribunal, the President shall assign such ad litem judges as may from time to time be appointed to serve in the International Tribunal to the Trial Chambers.

6. A judge shall serve only in the Chamber to which he or she was assigned.

7. The permanent judges of each Trial Chamber shall elect a Presiding Judge from amongst their number, who shall oversee the work of the Trial Chamber as a whole.

United Nations S/RES/1432 (2002)

Security Council

Distr.: General

15 August 2002

Resolution 1432 (2002)

Adopted by the Security Council at its 4603rd meeting, on 15 August 2002

The Security Council,

Reaffirming all its previous resolutions, in particular resolution 1127 (1997) of 28 August 1997 and resolution 1412 (2002) of 17 May 2002, and statements by its President on the situation in Angola, in particular the statement of its President of 28 March 2002 (S/PRST/2002/7),

Welcoming the historic step taken by the Government of Angola and Uniao Nacional para a Independencia Total de Angola (UNITA), on 4 April 2002, in signing the Memorandum of Understanding Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding Military Issues under the Lusaka Protocol (S/1994/1441, annex),

Welcoming further the efforts taken by the Government of Angola to restore peaceful and secure conditions in the country, to re-establish effective administration and to promote national reconciliation,

Welcoming also the ongoing efforts of UNITA to become an active participant in the democratic political process of Angola, in particular the demobilization and quartering of UNITA soldiers as well as the disbanding of UNITA's military wing on 2 August 2002,

Reaffirming its commitment to preserve the sovereignty and territorial integrity of Angola,

Emphasizing the importance of the full implementation of the "Acordos de Paz", the Lusaka Protocol, the Memorandum of Understanding Addendum of 4 April 2002, and the relevant United Nations Security Council resolutions, in close cooperation with the United Nations and the Troika of Observers,

Recalling its decision in resolution 1412 (2002) to suspend for a period of ninety days the measures imposed by paragraphs 4 (a) and (b) of resolution 1127 (1997) in order to facilitate the travel by UNITA members for the peace process and national reconciliation to advance,

02-52522 (E)

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to suspend the measures imposed by paragraphs 4 (a) and (b) of resolution 1127 (1997) for an additional period of ninety days from the date of adoption of this resolution, with a view to encouraging further the peace process and national reconciliation in Angola;

2. *Decides* that prior to the end of this period, the Security Council may consider reviewing the measures referred to in paragraph 1 above, taking into account all available information, including from the Government of Angola, on the implementation of the peace accords;

3. *Decides* to remain actively seized of the matter.

United Nations S/RES/1433 (2002)

Security Council

Distr.: General

15 August 2002

Resolution 1433 (2002)

Adopted by the Security Council at its 4604th meeting, on 15 August 2002

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all of its subsequent resolutions on the situation in Angola, in particular resolution 1268 (1999) of 15 October 1999,

Emphasizing its commitment to preserve the unity, sovereignty and territorial integrity of Angola,

Reaffirming the importance of the "Acordos de Paz", the Lusaka Protocol and the Memorandum of Understanding Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding Military Issues under the Lusaka Protocol (S/1991/1441, annex), as well as relevant Security Council resolutions,

Recalling the Statement of its President of 28 March 2002 (S/PRST/2002/7), which, in particular, stresses the willingness of the Council to support adjustments to the mandate of the United Nations Office in Angola (UNOA) which should take into account recent developments in Angola,

Welcoming the report of the Secretary-General of 26 July 2002 (S/2002/834),

Expressing its appreciation for the work of UNOA in support of the people of Angola,

Expressing also its view that the presence of the United Nations in Angola can contribute to the consolidation of peace through the promotion of political, military, human rights, humanitarian and economic goals as set out in the report of the Secretary-General,

1. *Authorizes* the establishment of, as a follow-on mission to UNOA, the United Nations Mission in Angola (UNMA) for a period of six months until 15 February 2003, to pursue the objectives and perform the tasks recommended by the Secretary-General in his report and reflected in paragraph 3 below, and expresses its intention in determining whether to extend, adjust or curtail this mission, to take into account the recommendations of the Secretary-General based on his Special Representative's assessment of progress in completing the Lusaka Protocol;

02-52659 (E)

2. *Welcomes* the appointment of a resident Special Representative of the Secretary-General (SRSG) to serve as the head of UNMA, and to oversee a coordinated and integrated approach to United Nations activities in Angola as reflected in the UNMA mandate described in paragraph 3 below;

3. *Endorses* the staffing of UNMA as appropriate and as recommended by the Secretary-General in his report, including the recommendation for a Child Protection Adviser, with the following mandate:

A. To assist the parties in concluding the Lusaka Protocol by:

(1) Chairing the Joint Commission;

(2) Leading the completion of the agreed list of tasks which remain pending under the Lusaka Protocol;

B. To assist the Government of Angola in undertaking the following tasks:

(1) Protection and Promotion of Human Rights and in the building of institutions to consolidate peace and enhance the rule of law;

(2) Provision of technical advice and support for mine action;

(3) Facilitation and coordination of delivery of humanitarian assistance to vulnerable groups including internally displaced persons and families in quartering areas, with special concern for children and women;

(4) Support for social and professional reintegration of the demobilized through appropriate United Nations agencies;

(5) Promotion of economic recovery through relevant United Nations agencies;

(6) Mobilization of resources of the international community, to include international donors conferences, as appropriate; and

(7) Provision of technical assistance to the Government of Angola in the preparation of elections;

4. *Requests* the Secretary-General to report to the Security Council when his Special Representative confirms that the Joint Commission has determined that all remaining tasks under the Lusaka Protocols have been completed, and notes that upon the conclusion of the mandate, the United Nations Resident Coordinator resumes authority for supervising the above tasks, as appropriate;

5. *Requests* the Secretary-General to provide an interim report to enable a three-month review of the work of UNMA by the Security Council;

6. *Decides* to remain actively seized of the matter.